



## APPLICANT'S GUIDE – ADMINISTRATIVE PERMIT FOR ACCESSORY APARTMENT (Elderly/Handicapped/Family Member)

This guideline will provide you with information on how to apply for an Administrative Permit for an Accessory Apartment.

Please review The Zoning Ordinance excerpts included below to determine where and under what conditions these apartments are allowed.

Please be sure to read all of the information in this guide and the forms in the application package. You should check to see if there are restrictions in your deed which would prohibit adding an additional dwelling unit on your property.

### FILING REQUIREMENTS – Complete the following forms:

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| 1. Discretionary Permit Application – DPLU#346          | 4. Evidence of Legal Parcel – DPLU #320                     |
| 2. Supplemental Application – DPLU #346S                | 5. Affidavit of Occupancy – DPLU #256                       |
| 3. Ownership Disclosure – DPLU #305                     | 6. Consent to Granting of Administrative Permit – DPLU #386 |
| OR 7. Public Notice Package – DPLU #278, #279 and #511. |   |

### ADDITIONAL REQUIREMENTS:

1. *Ten* copies of a detailed plot to include all buildings. (See typical plot plan, DPLU #90A.)
2. *Ten* sets of elevation drawings of the *main dwelling and the proposed accessory apartment*.
3. *Ten* copies of a floor plan of the *main dwelling and the proposed accessory apartment*.

(**NOTE:** The plot plan, elevations and floor plan must be folded to no larger than 8 ½" x 11" with the lower right hand corner exposed.  
Multiple sheets must be stapled into sets.)

### EXCERPTS FROM THE ZONING ORDINANCE

**DEFINITION** – Accessory Apartment (Elderly/Handicapped/Family Member): A dwelling unit no greater than 640 square feet in floor area, located within or attached to a single, detached dwelling, for occupancy by a maximum of two persons, one of whom shall be either (1) 60 years of age or older, (2) handicapped (as defined in the State Health and Safety Code), or (3) a member of the immediate family of the owner (related by blood, marriage or adoption) of the principal dwelling on the site.

**SECTION 6156w (REGULATIONS)** – Accessory Apartments (Elderly/Handicapped/Family Member). In order to provide additional rental housing for elderly (60 years of age or older) or handicapped persons (as defined by Section 50072 of the State Health and Safety Code) and family members while still maintaining the existing, general character of residential neighborhoods, an administrative permit for one accessory apartment in conjunction with a single, detached dwelling may be issued for properties in the RS, RV, RU, RR, A70, A72, S87, S88, S90 and S92 Use Regulations provided the following conditions are complied with:

1. Applicable building and other codes, and zoning requirements (including main building setbacks) with the exception of the density regulations of Section 4100, shall apply to accessory apartments.

2. Off-street parking shall be provided pursuant to the parking regulations in Section 6750, except that accessory apartment parking may be permitted in the front or exterior side yard. Garage conversion is prohibited unless replacement *covered* off-street parking is provided concurrently.

3. Dwelling modified in conjunction with an accessory apartment shall, on sides adjacent to streets, retain the appearance of a single, detached dwelling.

4. Accessory apartments shall not be permitted on a lot or parcel having guest living quarters or accessory living quarters. (Conversion of such quarters into an accessory apartment is permitted provided all zoning and structural requirements are met.)

5. Notice of accessory apartment applications shall be given as provided in Section 70609(c).

6. One of the dwelling units shall be occupied by the property owner. The dwelling unit not occupied by the owner shall only be occupied by person(s) that qualify as elderly, handicapped or immediate family members.

7. Separate sale or ownership of accessory apartment from the primary dwelling on a lot or parcel is prohibited.

8. On a form provided by the Department of Planning and Land Use, the owner shall file with the application a signed affidavit agreeing to accessory apartment occupancy requirements. The affidavit shall include provisions stating that (1) the owner consents to inspection of the premises by the codes enforcement officer in order to verify occupancy and (2) that the owner shall furnish a new affidavit to said officer upon request.

9. Prior to issuance of a building permit for an accessory apartment the owner shall submit a notarized recorded copy of an agreement between the owner and the County of San Diego on a form supplied by the Department of Planning and Land Use. Said agreement shall be filed with and become a permanent part of the Administrative Permit which granted the Accessory Apartment.

10. On a form provided by the Department of Planning and Land Use, subsequent owners shall be required to file an affidavit to establish eligibility before occupying the second dwelling unit on said property.

## **RESIDENTIAL PARKING REQUIREMENTS**

### **Section 6758:**

An Accessory Apartment requires one parking space in addition to the parking spaces required for the principal dwelling. The parking space for the apartment may not be in tandem (behind) with any other required space.

## **ADMINISTRATIVE PERMIT PROCEDURE**

### **Section 7060 c and d: Decision and Notice**

- c. Notice to Property Owners. When required by applicable sections of The Zoning Ordinance, the applicant shall either obtain and submit to the director on a form provided by the Director written consent for the issuance of the administrative permit from all owners of contiguous property (including owners of parcels or lots across any street or alley from the site) or shall provide notice materials (as specified by the Director with the permit application which shall be used by the Department to notify contiguous property owners of the receipt of said application. If required by applicable sections of The Zoning Ordinance, notice shall be given beyond such owners of contiguous property to any additional owners within the specified distance of the subject property.
- d. Public Hearing. A public hearing shall not be held unless the administering agency determines that such hearings shall be in the best interest of the County, or, if required by applicable sections of The Zoning Ordinance, where a hearing is requested by the applicant or other affected person.